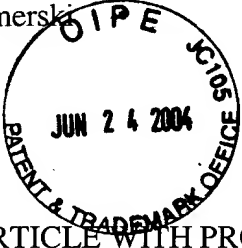


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Michael D. Hamerski
Serial No.: 09/586,119
Filed: June 2, 2000
Due Date: June 19, 2004
Title: ADHESIVE ARTICLE WITH PROGRESSIVE ADHESIVE PROPERTIES
AND METHOD OF USING SAME

Examiner: Victor S. Chang
Group Art Unit: 1771
Docket No.: 55420US002 (M120.182.101)



**APPEAL BRIEF TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Appellant's Brief on Appeal

This brief is presented in support of the Notice of Appeal filed on March 19, 2004, from the final rejection dated November 21, 2003, rejecting claims 1-9, 11, 12 and 25 of the above identified application.

The Appeal Brief is filed in triplicate. The U.S. Patent and Trademark Office is hereby authorized the Charge Deposit Account No. 50-0471 in the amount of \$330.00 for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. 1.17(c), however, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-0471 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account No. 50-0471 under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Appellant respectfully requests reversal of the Examiner's rejection of pending claims 1-9, 11 and 12.

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Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office

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Real Party in Interest

The present application has been assigned to 3M Innovative Properties Company, a Delaware corporation doing business in Saint Paul, Minnesota, in an Assignment.

Related Appeals and Interferences

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present Appeal.

Status of the Claims

Claims 1-9, 11-22 and 24-34 are pending in the application, with claims 13-22, 24, and 26-34 withdrawn from consideration. Claims 10 and 23 have been canceled from the application. Claims 1-9, 11, 12 and 25 have been finally rejected. Claims 1-9, 11 and 12 are the subject of the present Appeal (*See Appendix A*).

Appellant notes that the Final Office Action mailed November 21, 2003, lists claim 14 as withdrawn, but also includes a rejection of claim 14. Because claim 14 was withdrawn in the Response filed August 29, 2003, Appellant believes the proper status of claim 14 to be withdrawn. Claim 25 is not appealed because it duplicates claim 14. Accordingly, upon success of the present appeal, claim 25 will be withdrawn or cancelled from the application.

Status of the Amendments

No amendments have been made since April 21, 2003. The claims listed in Appendix A reflect the claims as of August 29, 2003.

Summary of the Invention

The present invention, as claimed in independent claim 1, provides an adhesive article adapted to attach structures to a substrate. *See Figure 5 showing adhesive article 90, structure 50 and substrate 52, and corresponding text in the specification beginning at page 8, line 8.* The adhesive article comprises a stretch releasing adhesive tape having an adhesive layer with a first

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adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of the structure to the substrate. *See Figure 5 showing adhesive layer 94 having first adhesive region 100 and second adhesive region 102, and corresponding text in the specification beginning at page 8, line 19. See also text in the specification beginning at page 9, line 1.* The stretch releasing adhesive tape includes a pull tab adjacent to the second adhesive region. *See Figure 5 showing pull tab 98, and corresponding text in the specification beginning at page 8, line 16.*

Issues Presented for Review

- I. Whether claims 1-9, 11 and 12 are patentable under 35 U.S.C. §112, second paragraph.
- II. Whether claims 1-9, 11 and 12 are patentable under 35 U.S.C. §103(a) over Bries et al., U.S. Patent No. 6,001,471 in view of Lühmann, U.S. Patent No. 5,626,931.

Grouping of the Claims

- I. Claims 1-9, 11 and 12 shall stand or fall with the patentability of claim 1 in this Appeal.

Argument

Claim Rejections under 35 U.S.C. §112, Second Paragraph

In the Final Office Action mailed November 21, 2003, the Examiner rejected claims 1-9, 11 and 12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These rejections are respectfully traversed.

A) The Applicable Law

The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

There are two separate requirements set forth in the second paragraph of 35 U.S.C. 112:

(A) the claims must set forth the subject matter that applicants regard as their invention;
and

(B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

The first requirement is a subjective one because it is dependent on what the applicants for a patent regard as their invention. *MPEP 2171*. The invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention. *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

The second requirement is an objective one because it is not dependent on the views of the applicant or any particular individual, but is evaluated in the context of whether the claim is definite — i.e., whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. *MPEP 2171*. The test for definiteness under 35 U.S.C. 112, second paragraph is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). The fact that claim

language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. *Seattle Box Co., v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984). A claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971).

B) The Rejection of Claims 1-9, 11 and 12 under 35 U.S.C. §112, second paragraph

Contrary to the Examiner's determination, the claims do set out and circumscribe the particular subject matter with a reasonable degree of clarity and particularity, such that one skilled in the art would understand what is claimed in the application when the claims are read in light of the specification.

Independent claim 1 (*See Appendix A*) is directed to an adhesive article adapted to attach structures to a substrate. The article comprises a stretch releasing adhesive tape having an adhesive layer with a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of the structure to the substrate. The stretch releasing adhesive tape includes a pull tab adjacent to the second adhesive region.

Claim 1 stands rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states "the phrase 'reduced adhesive properties' appears vague, indefinite and confusing." *See Final Office Action mailed November 21, 2003, at section 5*. In support of this position, the Examiner references page 5, lines 12-13 of the specification that states: "As used herein, 'reduced adhesive properties' refers to a region with non-adhesive properties or adhesive properties less than the adhesive properties of the first adhesive region." *Id. (emphasis provided by Examiner in the Final Office Action)*. Based upon the above-quoted portion of the specification, "it is confusing to the Examiner as to the range of the adhesiveness of the 'reduced adhesive properties' ". *Id.* Further, the Examiner declares that

“in the absence of express recitation as to what constitutes ‘reduced adhesive properties’, any adhesive tape would inherently have variations, e.g., at microscopic level, in adhesiveness in various locations.” *Id.*

It is respectfully submitted that the Examiner has erred by failing to read the claims in light of the entire specification. As set forth at MPEP 2173.05(b), “When a term of degree is presented in a claim, first a determination is to be made as to whether the specification provides some standard for measuring that degree.” Immediately following the portion of the specification quoted by the Examiner above (i.e., page 5, lines 12-13), the specification at page 5, lines 14-15, provides as follows: “As such, *the concept of reduced adhesive properties is a comparison of the relative adhesive properties of the first and second adhesive regions.*” (emphasis added). The specification thus provides a standard for measuring “reduced adhesive properties.” In particular, it is clear that in claim 1 the “reduced adhesive properties” of the second adhesive region are relative to the adhesive properties of the first adhesive region. This position is further supported, for example, at page 10, lines 9-18 the specification, which in reference to Figure 6 provides as follows:

“Adhesive article 120 has a plurality of adhesive regions 122, 124, 126, 128. Adhesive region 122 has the greatest level of adhesion with the substrate surface 58 of the substrate 52. Each of the adhesive regions 124, 126, 128 have a progressively lower level of adhesion and each comprises reduced adhesive properties with respect to regions of high adhesion. For example, adhesive region 124 has a lower level of adhesion than region 122. Consequently, region 124 comprises reduced adhesive properties relative to region 122. Similarly, adhesive region 126 has a lower level of adhesion than regions 122, 124. Adhesive region 128 has the lowest level of adhesion with the substrate surface 58.”

The Examiner’s argument that “in the absence of express recitation as to what constitutes ‘reduced adhesive properties’, any adhesive tape would inherently have variations, e.g., at microscopic level, in adhesiveness in various locations” is disingenuous. The text and figures of the specification clearly show and describe adhesive regions at a macroscopic level, not microscopic level. *See, for example, regions 64, 66 in Figure 4A, regions 100, 102 in Figure 5,*

and regions 122, 124, 126, 128 in Figure 6. Further, the specified orientation and positioning of adhesive regions belies inherent and presumably random variations in adhesiveness at a microscopic level. *See Claim 1, Appendix A, reciting “a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of the structure to the substrate”.* Based upon a full and complete reading of the specification, one skilled in the art would be apprised that the “reduced adhesive properties” set forth in the claims are not inherent microscopic variations in adhesiveness.

For the reasons set forth above, the expression “reduced adhesive properties”, when read in light of the specification, reasonably apprises those skilled in the art of the scope of the invention. The language is not vague or indefinite. Thus, Appellant respectfully submits that the expression “reduced adhesive properties” satisfies the requirements of the 35 USC §112, second paragraph, and the rejection should be withdrawn. Such action is respectfully requested. Dependent claims 2-9, 11 and 12 are directly or indirectly dependent upon independent claim 1. Therefore, the rejections of dependent claims 2-9, 11 and 12 under 35 U.S.C. §112, second paragraph should similarly be reversed.

Claim Rejections under 35 U.S.C. §103

In the Final Office Action mailed November 21, 2003, the Examiner rejected claims 1-9, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Bries et al., U.S. Patent No. 6,001,471 (“Bries et al.”) in view of Lühmann, U.S. Patent No. 5,626,931 (“Lühmann”). These rejections are respectfully traversed.

A) *The Applicable Law*

The Examiner has the burden under 35 U.S.C. §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Three criteria must be satisfied to establish a *prima facie* case of obviousness. First, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one

of ordinary skill in the art would teach, suggest, or motivate one to modify a reference or to combine the teachings of multiple references. *Id.* Second, the prior art can be modified or combined only so long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 2315 USPQ 375 (Fed. Cir. 1986). Third, the prior art reference or combined prior art references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The court in *Fine* stated that:

Obviousness is tested by “what the combined teaching of the references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981)). But it “cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination.” *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And “teachings of references can be combined *only* if there is some suggestion or incentive to do so.”

In re Fine 837 F.2d, 5 USPQ2d at 1599. (emphasis in original).

An invention can be obvious even though the suggestion to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). It is not necessary that the cited references or prior art specifically suggest making the combination, but there must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which it addresses. *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979)).

The test for obviousness under §103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985). Furthermore, claims must be interpreted in light of the specification, claim language, other claims and prosecution history. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987), *cert. denied*, 481 U.S. 1052 (1987). At the same time, a prior patent cited as a §103 reference must be considered in its entirety, “i.e. as

a *whole*, including portions that lead away from the invention.” *Id.* That is, the Examiner must, as one of the factual inquiries pertinent to any obviousness inquiry under 35 U.S.C. §103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh’g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990). Finally, the Examiner must avoid hindsight. *Id.*

B) The Rejection of Claims 1-9, 11 and 12 under 35 U.S.C. §103

Bries et al. in view of Lühmann fails to establish *prima facie* obviousness of independent claim 1 on a number of different levels.

Independent claim 1 (*See Appendix A*) is directed to an adhesive article including a stretch releasing adhesive strip having a first adhesive region, a second adhesive region with reduced adhesive properties, and a pull tab adjacent the second adhesive region. Thus, in independent claim 1, the second adhesive region, which has reduced adhesive properties, is adjacent the pull tab. Neither Bries et al. or Lühmann, whether taken alone or in combination, disclose, teach, suggest or make obvious such an adhesive article.

The Examiner has not disputed the fact that the adhesive tapes of Bries et al. and Lühmann are in direct opposition to the invention of claim 1 in terms of relative positioning of the pull tab, first adhesive region, and second adhesive region. Pointedly, Bries et al. is said to show all the features of the instant claimed invention except that the position of the first and second adhesion regions are in the opposite direction as compared to the invention of claim 1. *See Office Action mailed January 22, 2002, section 2, (referenced in the Final Office Action mailed November 21, 2003, section 6)*. The Examiner argues that it would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the position of the first and second adhesion regions to still be able to facilitate a controlled sequential release of adhesive surfaces, and the tape can be removed without substantially damaging the surface, since it has been held that rearranging parts of an invention involves only routine skill in the art. *Id.*, (citing *In re Japiske*, 86 USPQ 70). Further, the Examiner argues that it would have been

obvious to one of ordinary skill in the art to attach a pull tab at either end of the Bries et al. or Lühmann tape (i.e., reverse the orientation specifically taught by each reference), motivated by the desire to be able to detach the adhesive article from the wall cleanly, which is said to be a known inherent property of a stretch releasing tape. *See, Final Office Action mailed November 21, 2003, section 6.*

The Examiner's position that the invention of claim 1 is unpatentable over Bries et al. in view of Lühmann is simply not maintainable when one considers the three criteria that must be satisfied to establish a *prima facie* case of obviousness.

First, the Examiner has the burden of showing some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art that would suggest or motivate one to modify a reference. In this instance, the Examiner must show what would suggest or motivate one to rearrange the position of the first and second adhesion regions of Bries et al. in view of Lühmann, such that the region of reduced adhesive properties is adjacent the pull tab. The Examiner asserts that "it would have been obvious to one skilled on the art to relocate the lower-adhesion portion to the opposite end of the adhesive article, motivated by the desire to be able to detach the adhesive article from the wall cleanly." *See, Final Office Action mailed May 31, 2002, section 2, (referenced in the Final Office Action mailed November 21, 2003, section 6).* This reasoning, however, is flawed.

Both Bries et al. and Lühmann teach having the non-adhesive or reduced adhesion region at the end of the tape opposite the pull tab. The purpose of the arrangement of adhesion regions in Bries et al. is to provide a controlled sequential release of adhesive surfaces, and in Lühmann to reduce damage to the substrate or object upon removal of the adhesive. The present invention provides a second adhesive region with reduced adhesive properties adjacent the pull tab. Accordingly, the second adhesive region is the first region to be removed during the removal process. Rearranging the position of the first and second adhesion regions of both Bries et al. and Lühmann such that the reduced adhesion region is adjacent the pull tab would destroy or contravene the desired characteristics of the articles described in the references.

For example, in Bries et al., rearranging the position of the first and second adhesion regions would not allow for controlled sequential release of adhesive surfaces. Rather, the suggested rearrangement would prevent the desired controlled sequential release. Specifically, to achieve controlled sequential release, the adhesive surfaces at the end of adhesive strip (opposite the pull tab) must be offset. By rearranging the position of the first and second adhesive regions as suggested by the Examiner, the offset at the end of the adhesive strip opposite the pull tab would be eliminated and, consequently, controlled sequential release would be lost. Bries et al. explains that “with the use of [the Bries et al.] release strip, the one side completely debonds from its adhered surface prior to the complete debonding of the other side.” *Bries et al.*, col. 3, lines 8-10. *See also*, *Bries et al.* col. 4, lines 47-52. By rearranging the first and second adhesive regions in the suggested manner, this desired and characteristic feature of the Bries et al. tape would be destroyed. Thus, Bries et al. teaches away from the invention of claim 1.

Further, nothing in Bries et al. raises any concern with “cleanly detaching the adhesive article from a wall,” the sole basis for the Examiner’s purported “suggestion to modify”. To the contrary, Bries et al. is replete with statements that the taught adhesive region positioning relative to the pull tab (again, that is in direct opposition to the invention of claim 1) does “cleanly detach” from a wall to which it is applied. *See*, *Bries et al.*, col. 7, lines 61-63; *each of Examples 1 – 6 described at col. 18, line 40-col. 20, line 31 in which every example adhesive article is described as being cleanly removed*. Thus, according to Bries et al., clean detachment of the adhesive article from a wall is already provided by the Bries et al. adhesive article, such that one of ordinary skill in the art upon reading Bries et al. would not perceive the motivation to modify advanced by the Examiner. Simply stated, the Examiner’s alleged motivation is not supported by Bries et al. Accordingly, for at least the above reasons, no motivation to rearrange the first and second adhesion regions in the manner advanced by the Examiner is found in Bries et al.

Lühmann does not cure the deficiencies of Bries et al., and in fact suffers from the same deficiencies as Bries et al. Specifically, Lühmann also fails to provide any motivation for

rearranging the position of the first and second adhesion regions, such that the adhesive region with reduced adhesive properties is positioned adjacent the pull tab. Lühmann specifically states: “The ends of the novel adhesive film strips are thus shaped in a particular way in order that the bond area decreases toward the end of the adhesive film strip which disappears in the adhesive join, while the other end can then be pulled.” *See Lühmann, at col. 1, lines 54-57.* Further, Lühmann provides: “The essential feature in each case is a reduction in the bond area toward the end of the adhesive strip.” *Id., at col. 1, lines 54-57.* Accordingly, rearranging the first and second adhesion regions in the manner suggested by the Examiner is in direct conflict with the “essential feature” of Lühmann. Importantly, Lühmann describes that by providing the adhesive article with a non-straight cut end, the problems of damaging the surface to which the adhesive article is applied can be overcome. *See Lühmann, col. 1, lines 25-57.* Thus, similar to Bries et al., one of ordinary skill in the art would view Lühmann as already providing “clean wall detachment”, and not perceive the alleged motivation advanced by the Examiner.

For the reasons provided above, the Examiner has failed to identify or provide the requisite motivation to modify Bries et al. to arrive at the invention of claim 1. The only suggestion and/or motivation for these changes to Bries et al. comes from Appellant’s own disclosure and not from some objective teaching in the prior art. This feature is simply not taught, disclosed or suggested by Bries et al. in view of Lühmann

Second, the Examiner has the burden of showing that the reference can be modified with a reasonable expectation of success. In this instance, the Examiner has provided no such showing. As set forth above, were the adhesion regions of Bries et al. and Lühmann rearranged as suggested by the Examiner, the intended functions of the adhesive articles in the references are destroyed. Accordingly, one skilled in the art would have no reasonable expectation that Bries et al. could be modified in the suggested manner with any success.

Third, the Examiner has the burden of showing that the prior art teaches or suggests all of the claim limitations. However, neither of Bries et al. nor Lühmann, either alone or in combination, teach or suggest the second adhesive region, which has reduced adhesive properties, is adjacent the pull tab, as set forth in independent claim 1. As discussed in detail

above, arranging the adhesive regions such that the adhesive region having reduced adhesive properties is adjacent the pull tab is not disclosed or suggested in either reference. In fact, even if the Examiner's sole, alleged motivation of "ability to detach the adhesive article from the wall cleanly" were viable, Lühmann teaches that this concern is best addressed by providing the adhesive article with a non-straight cut end. In other words, modifying Bries et al. in view of Lühmann for purposes of promoting clean detachment from a wall would entail forming that portion of the Bries et al. adhesive article opposite the pull tab with a non-straight cut end. Claim 1 recites an entirely distinct structure. Clearly, then, the invention of claim 1 is not taught or suggested by Bries et al. in view of Lühmann.

In view of the above, Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness, since the Examiner and the cited references have not satisfied the three above-described criteria. The combination of Bries et al. in view of Lühmann does not teach, suggest or make obvious, either implicitly or explicitly, what is claimed in independent claim 1. Hence, Appellant believes that the rejection of independent claim 1 under 35 U.S.C. §103(a) has been overcome and should be withdrawn. Such action is respectfully requested. Dependent claims 2-9, 11 and 12 are directly or indirectly dependent upon independent claim 1. Therefore, reversal of the rejections of dependent claims 2-9, 11 and 12 under 35 U.S.C. §103 is also requested.

Conclusion

Appellant respectfully submits that the Examiner has presented the best available prior art against the invention claimed in the instant application. The prosecution of the instant application has proceeded through four substantive Office Actions and Responses. For the reasons discussed above, the claims of the instant Appeal do particularly point out and distinctly claim the subject matter which Appellant regards as the invention, and the cited art neither anticipates nor renders the claimed invention obvious. Therefore, Appellant respectfully submits that the rejections of claims 1-9, 11 and 12 under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §103 must be withdrawn and that these claims be allowed.

Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office

Appellant: Michael D. Hamerski

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The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 50-0471 in the amount of \$330.00 for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. 1.17(c), however, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-0471 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account No. 50-0471 under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

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Any inquiry regarding this Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office should be directed to David B. Patchett at Telephone No. (651)736-4713, Facsimile No. (651)736-3833. In addition, all correspondence should continue to be directed to the following address:

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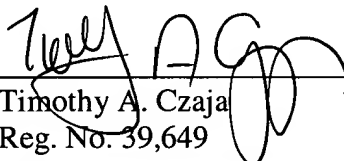
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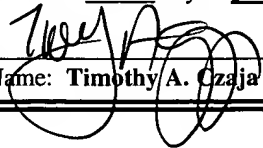
Dated: JUNE 21, 2004
TAC:jmc



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Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of June, 2004.

By 

Name: Timothy A. Czaja

Appendix A

1. An adhesive article adapted to attach structures to a substrate, said article comprising a stretch releasing adhesive tape having an adhesive layer with a first adhesive region adapted to attach a top portion of the structure to the substrate and a second adhesive region with reduced adhesive properties adapted to attach a bottom portion of the structure to the substrate, the stretch releasing adhesive tape including a pull tab adjacent to the second adhesive region.

2. The adhesive article of claim 1 wherein the stretch releasing adhesive tape comprises a multi-layer structure.

3. The adhesive article of claim 1 wherein the stretch releasing adhesive tape comprises a backing layer selected from one of a film, an elastic foam, and an inelastic foam.

4. The adhesive article of claim 1 wherein the stretch releasing adhesive tape is selected from the group consisting of a pressure sensitive adhesive tape with an elastic structural member, a pressure sensitive adhesive tape with a highly extensible and substantially inelastic structural member, or a solid pressure sensitive adhesive.

5. The adhesive article of claim 1 wherein the adhesive layer comprises more than two adhesive regions.

6. The adhesive article of claim 1 wherein the adhesive layer comprises a plurality of adhesive regions with progressively reduced adhesive properties.

7. The adhesive article of claim 1 wherein the adhesive layer comprises progressively reduced adhesive properties.

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8. The adhesive article of claim 1 wherein the second adhesive region comprises a surface area less than a surface area of the first adhesive region.

9. The adhesive article of claim 1 wherein the second adhesive region comprises a surface area greater than or equal to about 22% of a surface area of the adhesive layer.

11. The adhesive article of claim 1 wherein the second adhesive region is provided with a material selected from the group consisting of release liner material, repositionable pressure sensitive adhesive, polymeric film, paper, powder, scrims, nonwoven fabric, ink, and low adhesion backsize material.

12. The adhesive article of claim 1 comprising a two-sided adhesive tape article.

25. The adhesive article of claim 1 comprising a two-sided adhesive tape article.